

PRESIDENTIAL ISSUES

Foreign Policy and National Security Issues

Purpose

This briefing book is designed to assist the President in debates with Governor Reagan on foreign policy and national security issues. It may also be useful for more general campaign purposes. Although the book contains a large number of issues, it is not intended to be an exhaustive compilation of questions which might be asked. Rather, it seeks to identify the most likely questions about the President's leadership qualities and his record, based on a review of key speeches and statements by Governor Reagan, his supporters, the Republican Party platform, and critical press articles. Of the 69 questions contained in this book, twenty-three key questions have been marked with an asterisk in the table of contents.

Contents and Format

The suggested responses are drawn from speeches, press conferences and other policy statements by the President, the Secretaries of State and Defense, the Assistant for National Security Affairs, and other senior Administration officials dealing with foreign policy and national security issues. The responses are organized around basic themes of the Carter Administration and are intended to provide the basis for answering related questions. Some of the responses -- such as those relating to the conflict between Iran and Iraq -- may need to be updated depending on events.

A major focus of criticism will be that the President is incapable of leadership, indecisive, erratic, preoccupied with vague moralistic causes and unable to understand and respond to challenges to American interests. His record will be attacked as a series of unrelated, incoherent, reflexive actions to specific crises, without any guiding vision or strategy which ties individual policies or events together. Two broad responses, the first two in the book under the section entitled "Overview," have been prepared to provide a comprehensive rebuttal to such criticism.

Overall, the suggested responses seek to:

--demonstrate that the President has a concrete vision of a world order and a constancy of purpose in striving toward it;

-- emphasize the President's realism and toughness in dealing with our adversaries and in managing the complex problems of the modern world;

--highlight the specific accomplishments of the Carter Administration, and show how these relate to and support the President's goal of a stable, just world order;

--contrast the President's vision and record, and, in particular, the President's leadership qualities, with the picture formed by Governor Reagan's comments about what he would do on foreign policy and national security issues.

To support these contrasts between the President and Governor Reagan, pertinent statements by Governor Reagan are woven into the responses. In addition, where possible, relevant quotes by Governor Reagan on the different issues appear at the end of the responses.

Finally, and in addition to the questions and responses, this book contains several short papers which are meant to highlight the contrasts among the candidates and their platforms and the themes which Governor Reagan and Representative Anderson have stressed throughout their campaigns. Also, contained in this section, which is the last in the book, is a selection of the most notable quotes by Gov. Reagan on foreign policy and national security issues.

September 29, 1980

#5

Memo

From: WAYNE VALIS Wayne
To: Dave Gergen
Date: 10-21-80

These notes are based
on a Carter debate staff
brain storming session --
middle level types --
nothing spectacular, but
interesting -- from a
source intimately connected
to a Carter debate staff
member. Reliable.

I gave a copy to
Jim Baker. — WV

Proposed Carter Tactics for Debate and Campaign Advertising.

10/20/8

- 1.) Carter plans to expose Reagan flip-flops.
 - E.g. Reagan's positions on tax breaks for private education:
 - Before: in favor of tax credits for high school and college.
 - After: in favor of credits only for college.
 - E.g. Reagan's positions on bilingual education
 - E.g. Reagan's position on OSHA

Where Reagan has not flip-flopped, Carter plans to portray him as having blurred or dangerous positions.

Where Reagan has changed his position, Carter plans to portray Reagan as indecisive, as a political opportunist, or as opposed to an enlightened set of policies (especially on such questions as ERA and Minimum Wage)
- 2.) Carter is hoping to be portrayed as the underdog in the debate. But in the week preceding the debate, he hopes to come across as having momentum.
- 3.) Carter plans to brand Reagan-Kemp-Roth as an "Alice-in-Wonderland" medicine.
- 4.) Carter is pleased with the recent statistics showing an economic upturn. But he is very concerned about the high interest rates. He plans to blame the Fed for these, but he fears that the people won't be able to distinguish between the Fed and his own administration.
- 5.) He plans to continue to harp on the warmonger issue.
- 6.) He plans to raise the age issue again. He plans to point out that when Bush was a congressman, he proposed a bill that would require mandatory retirement for congressmen at age 70. Carter hopes to point out the incongruity of the situation.
- 7.) Carter may have ads which interview Reagan's old classmates in order to highlight how old they are.
- 8.) Carter is trying to get a hold of film-clips of Reagan filming campaign ads. (He may already have such film-clips.) These clips apparently show Reagan being corrected time and again for various mistakes by voices of aides who are saying: "No, Governor, the figure is 75% and not 10%".... "No, Governor, the head of the USSR is Brezhnev not Khrushchev" and similar such corrections.
- 9.) Carter may use a film-clip of Reagan asking "Who is that?" when reference in conversation is made to Giscard d'Estaing.
- 10.) Carter's people are afraid of the effectiveness of the Reagan ads which use the bar graphs showing the inflation rates and the ads which show the grocery carts.

NINETY-EIGHTH CONGRESS

DON ALBOSTA, MICH., CHAIRMAN

THOMAS DASCHLE, S. DAK.
GUS YATRON, PA.
DOUGLAS H. BOSCO, CALIF.

DANIEL B. CRANE, ILL.
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U.S. House of Representatives
COMMITTEE ON POST OFFICE AND CIVIL SERVICE
SUBCOMMITTEE ON HUMAN RESOURCES
511 HOUSE OFFICE BUILDING ANNEX 1
Washington, D.C. 20515

TELEPHONE (202) 225-2821

FOR RELEASE: IMMEDIATE
JUNE 29, 1983

CONTACT: MICAH GREEN
225-2821

STATEMENT OF REPRESENTATIVE DON ALBOSTA (D-MI-10)

Today, we are announcing the beginning of an investigation by the Subcommittee on Human Resources, into the matter of the 1980 Presidential Debate briefing material and the questions this matter raises which concern our legislative jurisdiction.

To fulfill its responsibility, the Subcommittee on Human Resources originally asked top Administration officials who were involved in preparing then-Governor Reagan for the Debates, to tell us what their part, or knowledge, was concerning the briefing book. Their written responses raised additional questions. These include:

- How did the Reagan Campaign obtain the briefing book described in Mr. Baker's letter?
- Was any other presidential material obtained or summarized in an unauthorized way by, or for, the Reagan campaign?
- What was the relationship between the source and both the Reagan and Carter camps?
- The fact that the Administration has found more materials related to the debate briefing and made some materials available is appreciated, but it does not put the matter to rest.

--These materials themselves raise questions about how extensive the operation was, how many people it involved and over what period of time.

The Subcommittee will take a number of steps as it proceeds with the investigative process:

--Today, we are sending initial letters of inquiry to other persons who played a role in preparing President Reagan for the debates.

--In the next several weeks, we intend to search out people and documents that have information regarding the facts surrounding this matter.

--We are requesting today a complete set of the materials that the White House, and the Justice Department, have in their possession which may have any bearing on this matter, so that we may be sure the Subcommittee has access to all relevant documents which may not have been provided as yet.

--We will be carefully reviewing all documents received from the Administration and other sources.

We would hope that the President will instruct his staff to work with the Subcommittee in an open atmosphere.

In the course of this investigation, we will not hesitate to use whatever powers are necessary and available to us to probe this issue fully. We have not scheduled public hearings, but will do so if it becomes clear that such hearings would serve a legitimate purpose. Please let me make clear that this Subcommittee has no intention of conducting a witchhunt. Rather, we are investigating, we are not just probing activities in one Administration, we will look into problems that may have plagued both this Administration and its predecessors.

Our central concern is that we not allow questions of this importance to go unanswered at a time when this Subcommittee is in the process of reviewing the Ethics in Government Act of 1978. We have already plugged several loopholes in the original Act through Committee action in the past few months.

We may be required to issue subpoenas and administer the oath to potential witnesses. Much of the investigative work of the Subcommittee will be behind the scenes through interviews of parties and if necessary through executive sessions of the Subcommittee. This is done to avoid the charge of being defamatory in our approach. This will additionally ensure that the Subcommittee's investigation will be conducted in the most efficient and productive manner.

The people of this nation have lost faith in the integrity of their government officials. With less than 50 percent of the public now voting, ethical questions like the ones we will be investigating could further break down the electoral process. We hope that we can find answers to the questions that have been raised and assure the American public that government can work honestly.

1. AG conduct preliminary investigation for up to 90 days if he receives specific, credible information of violation of Federal criminal law.
2. Then sends it independent counsel should be appointed, guided by policies of DOJ.
3. If receipt of stolen gov property: was this gov property (or campaign material). Was this property (or public info). Would DOJ typically prosecute case of leaked, publicly available info? [18 U.S.C. § 641]
4. Prez immediately referred to DOJ, under act DOJ follows above course. No need to pre-judge, correct procedures are being followed. Why is Edwards not willing to let Act's procedures be followed?
5. DOJ is not doing full investigation, but preliminary. [This will be Edwards tactic - DOJ can't investigate] But can't know if enough to → i.c. until see what's there. Act contemplates preliminary investigation. Not automatic whenever charges are brought, have to have prelim look. As Prez has said, give to DOJ, they'll do what's appropriate. Should let process go on w/out pre-judging.

1. We're following Act, have given everything to DOJ.
You are guiding, not following Act, must
be for particular purposes.

2. Not at all clear stolen gov property:
stolen - if had legit access?
gov - if computer [enter improper use]
property - if publicly available info [most of
what Rep saw - not find, strategy book]

3. Also, must be w/DOJ policies. Not clear

BRIEFING BOOK QUESTIONS

Q. Why have you referred the briefing book matter to the Department of Justice?

Q. Does this mean that you suspect some wrongdoing or violation of law?

Q. Since this matter involves high-ranking members of your Administration, shouldn't the matter be turned over to a Special Prosecutor rather than your old friend the Attorney General?

Q. Do you know the identity of the "mole" who obtained the briefing book? What action will you take if the person is found to be working for the Administration?

Q. If you didn't review the Carter briefing book, what did you use to prepare for the debate? Did your preparation materials contain information from the Carter briefing book?

briefing
book

304 Cannon Alberta

what are relationships.
Believe not enough
additional letters.

→ NO REP COM MEMBERS

Egerton said A. when his going
his entitled to our opinion.
Need to improve image of J. J. J.

Washing by Carter? Material.
People in C. named domestic.
Sharon Iron was stolen
But people who made no book?
Keep option of being people
testify open.
Looking for more

starting investigation
will turn any crim questions to DOJ
Could be violation of FEE laws.

no confusion in you

like to little in law Act refer -
don't go ahead until we if
need more.

maybe can see for summary
including those who (very quickly
decide)

Are people starting by law? Role of
Congress.

If don't at members, may have to
hold hearings.

Involved Jean Kirkpatrick as she
worked on debate. Want ask
Will as not for employee.

Clearly Carter campaign materials. Not labeled
"U.S. Gov" or anything to indicate gov
records. If gov records, improper use for
campaign purposes.

Receipt of stolen property
Possession of stolen property

- not presidential records 44 U.S.C. § 2201 (2)

§ 2071

18 U.S.C. § 641: ^{receives} purloin, knowingly converts to his use.

must know to have been stolen: converted to own
use

554 F.2d 934
544 F.2d 640

✓ need not prove knowledge that belonged to
U.S. Fact is all. 446 F.2d 1267, 429 F.2d 1278

✓ must prove U.S. owned property. 418 F.S. 308
52 F. Supp. 843

✓ need not know person who stole. 25 Fed Cl 14,935
174 U.S. 47

Not enough that U.S. paper: what appears must → know
to gov 489 F.S. 129 Gov must suffer some actual loss

✓ copying gov docs w/gov signs → enough 474 F.S. 64

Don't have to show those receiving docs actually
benefitted from it. 662 F.2d 362

18 USC
§
654: espionage
of U.S.
information
(would cover more)

18 U.S.C. § 2071: records filed or deposited in any
public office

- doesn't cover photographs 352 F.S. 915

if they are → U.S. ownership, → 18 USC 641

D.C.: notes moved w/ pictures.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

July 8, 1983

REMARKS OF THE PRESIDENT
UPON DEPARTURE
FOR CAMP DAVID

The Diplomatic Entrance

3:04 P.M. EDT

Q Sir, what did you tell your staff this morning?

THE PRESIDENT: I told my staff that I wanted everyone there to hear directly from me that they were to make themselves available, if they had any information whatsoever to take it and tell it to the FBI, to the Justice Department, the investigation, which I had ordered, of this entire incident. And I further said that this message will be conveyed to the rest of the administration, to the Cabinet officers and others who weren't present there. And I told Mr. Fielding to tell the FBI that everyone in our administration, including myself, is available for questioning because there's only one thing -- we must get to the truth --

Q Mr. President --

THE PRESIDENT: -- the answer.

Q Why was it necessary to say that to them? They were given those orders last week and it's -- every day last week. Why did you have to emphasize it in person this morning?

THE PRESIDENT: In view of all that's been going on, I thought they should hear it directly from me.

Q Do you regret saying that this was "much ado about nothing," when you first were asked about it, Mr. President?

THE PRESIDENT: No. If, when the investigation is over and the truth is known, it is necessary to correct that statement, I'll correct it.

Q Were you aware that ex-Army officers were organized to watch American airbases at home and abroad in case there would be an October surprise?

THE PRESIDENT: No, Helen, I have no knowledge of that at all.

Q -- will you fire people if you have to?

THE PRESIDENT: I said we want the truth. If there is any evidence of wrongdoing, we'll take whatever action that should be taken at that time.

Q -- including firing people?

THE PRESIDENT: Yes.

THE PRESS: Thank you.

3:07 P.M. EDT

END

THE WHITE HOUSE

WASHINGTON

July 11, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Harper Inquiry Concerning
Debate Briefing Book

By memorandum dated July 1, Wendell Gunn advised Jim Cicconi that William Coleman had called to alert him to a prohibition on the preparation of campaign materials by government employees on government time. Ed Harper sent you a copy of the memorandum with a "let's discuss" note.

Coleman was presumably referring to the requirement that appropriated funds be used only for the purposes for which they were appropriated, 31 U.S.C. § 628, which the Comptroller General has interpreted to mean that official funds may not be used for purely partisan political purposes. As noted in the memorandum of June 27 to Richard Hauser from myself and Sherrie Cooksey, Hatch Act questions may also be presented if members of the Domestic Policy staff involved in the briefing book preparation were not paid from the White House appropriation.

This concern has gradually been appearing in news and commentary, though hardly with the prominence accorded other aspects of the episode. The argument that government property could not have been involved, since the material was designed for the partisan political purpose of the debate, would cover much but not all of the material which has been uncovered among the Reagan campaign materials. For example, the memorandum to the Carter Cabinet from Anne Wexler and Al McDonald cannot immediately be categorized as a non-government document. In any event, I do not think we should be formulating legal positions on this matter for public consumption. Having turned the matter over to Justice, we are in the position of relying on their legal analysis of the operative facts, and it does not strike me as profitable to engender public debate on the legal implication of hypothetical facts when Justice is investigating to determine the actual facts.

More generally, I question whether it would be in our best interest to focus attention on this broad issue. Harper simply indicated he wanted to "discuss" the question, so I have not drafted any memorandum.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

JGR

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) _____Name of Correspondent: Edwin L. Harper☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Preparation of Materials for Political Purpose

ROUTE TO:

ACTION

DISPOSITION

| Office/Agency (Staff Name) | Action Code | Tracking Date YY/MM/DD | Type of Response | Code | Completion Date YY/MM/DD |
|----------------------------|-------------------------|------------------------|------------------|------|--------------------------|
| <u>CUH011</u> | ORIGINATOR | <u>83107106</u> | | | <u>1 1</u> |
| <u>CUAT 18</u> | Referral Note: <u>D</u> | <u>83107106</u> | | | <u>5 83107111</u> |
| | Referral Note: _____ | <u>1 1</u> | | | <u>1 1</u> |
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| | Referral Note: _____ | <u>1 1</u> | | | <u>1 1</u> |

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE
WASHINGTON

To: Fred Fielling

Let's discuss the
undecided issue.



EDWIN L. HARPER

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 7/1/83 ACTION/CONCURRENCE/COMMENT DUE BY: asap

SUBJECT: PREPARATION OF MATERIALS FOR POLITICAL PURPOSES

| | ACTION | FYI | | ACTION | FYI |
|----------------|--------------------------|-------------------------------------|------------------------------|-------------------------------------|--------------------------|
| ✓ HARPER | <input type="checkbox"/> | <input checked="" type="checkbox"/> | DRUG POLICY | <input type="checkbox"/> | <input type="checkbox"/> |
| PORTER | <input type="checkbox"/> | <input type="checkbox"/> | TURNER | <input type="checkbox"/> | <input type="checkbox"/> |
| BARR | <input type="checkbox"/> | <input type="checkbox"/> | D. LEONARD | <input type="checkbox"/> | <input type="checkbox"/> |
| BLED SOE | <input type="checkbox"/> | <input type="checkbox"/> | OFFICE OF POLICY INFORMATION | | |
| BOGGS | <input type="checkbox"/> | <input type="checkbox"/> | HOPKINS | <input type="checkbox"/> | <input type="checkbox"/> |
| BRADLEY | <input type="checkbox"/> | <input type="checkbox"/> | PROPERTY REVIEW BOARD | <input type="checkbox"/> | <input type="checkbox"/> |
| CARLESON | <input type="checkbox"/> | <input type="checkbox"/> | OTHER | | |
| DENEND | <input type="checkbox"/> | <input type="checkbox"/> | ✓ FRED FIELDING | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| GALEBACH | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |
| GARFINKEL | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |
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| ROPER | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |
| SMITH | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |
| SWEET | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |
| UHLMANN | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |
| ADMINISTRATION | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS:

THE WHITE HOUSE

WASHINGTON

July 1, 1983

MEMORANDUM FOR: JIM CICCONI
FROM: WENDELL W. GUNN
SUBJECT: ~~Debate Papers~~

Bill Coleman called me today and offered the following perspective on the mysterious debate briefing book:

There is a statute that prohibits the preparation of certain materials to be used for political purposes in the White House on government time, using certain government employees.

If this is correct, then whoever came across the debate briefing book probably knew that surely it could not have come from the White House. Otherwise, the White House staff must have been breaking the law.

Is this useful?

cc: Ed Harper
Roger Porter

House Leaders Object to Inquiry On Campaign as Panel Presses On

By MARTIN TOLCHIN
Special to The New York Times

WASHINGTON, July 12 — House Democratic leaders said today that a subcommittee's investigation of conduct in the 1980 Presidential campaign would be perceived as partisan and divert attention from the fundamental flaws of the Reagan Presidency.

But the subcommittee, at its first meeting since the start of the investigation, informally agreed to press ahead, overriding the objection of a Republican member that it lacked jurisdiction and was engaged in "a fishing expedition." Attending the meeting was James Hamilton, who served as an aide to the Senate Watergate committee, and is being considered as special counsel to conduct the investigation.

Meeting with reporters, Representative Thomas P. O'Neill Jr. of Massachusetts, the Speaker of the House, repeated his opposition to the investigation, which is being carried out by the Human Resources Subcommittee of the House Post Office and Civil Service

Committee. The subcommittee is investigating how the Reagan campaign staff came into possession of Carter campaign material before a televised debate in 1980.

"I wish I had the blessings of the Speaker," said Representative Donald J. Albosta, Democrat of Michigan, the subcommittee chairman, "but I know I have the majority of the people in the Congress. I don't think the investigation diminishes the issue of the economy. It shows that not only has the Reagan Administration failed in the area of unemployment but they also failed in the area of ethics, if the allegations are true."

"Let the chips fall where they may," he added.

As the subcommittee met for the first time, Mr. Albosta said it had jurisdiction as part of its review of the Ethics in Government Act, adding, "The ques-

tions are whether there are adequate provisions in the regulations to prevent the misuses" charged in the investigation.

Mr. Albosta said he would seek subpoena power, if necessary, to obtain Reagan campaign documents from the Hoover Institution at Stanford University, but added, "We most likely will get a voluntary agreement with the principals involved."

A White House press spokesman said Mr. Hamilton had telephoned Fred F. Fielding, White House counsel, in quest of an agreement on the Reagan campaign documents. Mr. Fielding was said to have promised to be helpful. The press spokesman was not optimistic, however, about the prospects that the panel would be granted full access to the original Reagan campaign documents, as the subcommittee had requested.

Mr. O'Neill and Representative Jim Wright, Democrat of Texas, the majority leader, joined Republican leaders of the House and Senate in decrying the Congressional investigation. This created a political anomaly. Mr. Albosta, a junior member of the House in only his third term, has initiated an investigation opposed by his party's leaders. But although the leaders have trivialized the issue and regard the investigation as politically counterproductive, they have not sought to deprive Mr. Albosta of the resources he feels needed to do the job.

At his meeting with reporters, Mr. O'Neill asked: "Do I think there should be a legislative investigation? No. Why? Because it will turn political. It will be Democrats versus Republicans."

At another point, he said he preferred to see the White House suffer a lingering scandal. "Let Casey and Baker work it out," Mr. O'Neill said, referring

to William J. Casey, Director of Central Intelligence who is at odds with James A. Baker 3d, White House Chief of Staff, concerning Mr. Casey's role in how the documents came into the possession of the Reagan forces. "One will have to be hanged, but I'm not going to be responsible for the hanging."

Mr. O'Neill recalled a previous investigation, of the Environmental Protection Agency, after which "The President went up eight points in the polls."

"The President took all the culprits and fired them, and the American public applauded," Mr. O'Neill said.

Regarding the question of the possession and use of Carter White House documents by the Reagan campaign staff, Mr. Wright said, "These are not the fundamental wrongs of the Reagan Administration." Those wrongs, he said, included the President's economic

program, which he said favored the rich at the expense of the poor, and his gutting of social programs, especially education.

'Nature of a Soap Opera'

Representative Tony B. Coelho, chairman of the House Democratic Congressional campaign committee, said that although people were talking about the dispute, they viewed it "in the nature of a soap opera."

The leaders' statements suggested that they regarded the dispute concerning the campaign documents as less than important, and had worked out a political agenda for 1984, which they did not want altered.

The investigation was praised, however, by Representative Thomas S. Foley, Democrat of Washington, the majority whip, who said of the subcom-

mittee chairman, "I think he's approaching it in a rational, calm and orderly way."

On the Republican side, Senator Howard H. Baker Jr. of Tennessee, the majority leader, said: "Surely to goodness, we're not going to turn this into a total examination of every document in every campaign." He added, "If that is the case, somebody ought to look at the Carter papers." Representative Robert H. Michel of Illinois, the House Republican leader, feared that "the preoccupation with this titillating tale will remain with us until we completely relive and replay the entire 1980 campaign from start to finish."

Mr. Albosta promised full cooperation with the Republicans. He said the subcommittee staff would develop guidelines concerning the conduct of the investigation.

How Staff of a House Subcommittee Began Inquiry on Carter Briefing Data

Special to The New York Times

WASHINGTON, July 12 — John M. Fitzgerald was browsing through the newspaper one morning last month when an op-ed column by Jody Powell caught his eye.

Mr. Powell, who had been press secretary to President Carter, bemoaned the short shrift that news organizations had given to charges that a briefing book prepared by Mr. Carter's 1980 re-election committee found its way into the hands of Ronald Reagan's election campaign.

Mr. Reagan's aides had used the briefing book to prepare him for a debate with Mr. Carter, in what Mr. Powell contended was a violation of campaign ethics and a possible breach of national security.

"Does the Ethics in Government Act require an F.B.I. investigation of the theft and use of this material?" Mr. Powell asked in the column, which appeared in *The Washington Post*.

Mr. Fitzgerald, who is 31 years old, is counsel to the Subcommittee on Human Resources of the House Post Office and Civil Service Committee, which had jurisdiction over the Ethics in Government Act.

Impact of Powell Article

Mr. Fitzgerald, one of the three-member staff, showed the article to Micah Green, 25, staff director of the subcommittee, a night law student at George Washington University. In turn, they showed the article to Representative Donald J. Albosta, Michigan Democrat, the subcommittee chairman, who directed that letters be sent to the Reagan White House aides named in newspaper articles, giving them an opportunity to respond.

Thus began an investigation that has elicited 60 to 70 telephone calls each day

from reporters, many of them fielded by TerriAnn Lowenthal, 24, an aide who is the final member of the subcommittee staff. In addition, the subcommittee receives 25 to 30 calls a day from people, many wishing to remain anonymous, who offer information. Journalists often crowd the subcommittee quarters, a cubicle-size office in the former Congressional Hotel.

The aides have sought and received guidance from James Hamilton, who was an aide to the Senate Watergate committee, and Stanley M. Brand, counsel to the House.

Mr. Albosta, the staff aides and many journalists were surprised by Speaker Thomas P. O'Neill Jr.'s initial response to the investigation. "I don't think it's a Congressional issue," he said. "Brief-

ing book or no briefing book, our candidate was extremely unpopular in the last election."

Since then, the Speaker has said that Mr. Albosta has every right to investigate, a statement some felt was short of a ringing endorsement.

The investigation has included eight interviews, including meetings with Mr. Powell, David Rubenstein, Patrick H. Caddell, and other members of Mr. Carter's White House and campaign staffs. This week, the three subcommittee staffers are being augmented by personnel contributed by the full committee. This includes two investigators, a press secretary and a summer intern.

Widening Operations

"This has gotten too big for a three-person staff," Mr. Albosta said.

In response to his initial letter to the White House aides, "we received inconsistent answers," the Congressman said. He explained: "Baker pointed a finger at Casey. Stockman acknowledged using material he knew had been

pilfered. The ethics that surround that type of attitude showed a lack of concern about using things that were stolen."

James A. Baker 3d, White House chief of staff, said that the campaign committee had received the material from William J. Casey, now Director of Central Intelligence, but Mr. Casey denied having any knowledge of the material. David R. Gergen, a White House aide, initially denied knowledge of the material, but then revised his response. David A. Stockman, now Director of the Office of Management and Budget, acknowledged using the material, but there was no indication of how he had obtained it.

"In the very beginning we had admissions by high-level officials that certain things that may be elements of serious violations had occurred," Mr. Fitzgerald said.

As in the beginning stages of many investigations, there are far more questions than answers. There are also many surprises. "We started with the idea that there was one particular mole," Mr. Fitzgerald said. "It now appears considerably greater than that."

In addition, it now appears that the pilfered papers included some national security documents, which Mr. Albosta and the subcommittee staff consider far more serious than the initial charges about the briefing book.

Mr. Green said, "We still don't know who was the source of the information, what the information was, who else had it and how they got it, and what other in-

formation they received, and whether they considered the ethics of the decision to use it."

"There's a lot of avenues to go down," Mr. Green continued. "Unless a lot of information comes down extremely quickly, it could be a fairly lengthy investigation."

The three aides are surprised that no other committee or subcommittee has indicated an interest in conducting an investigation that makes headlines almost daily.

The aides joined the subcommittee in February, when Mr. Albosta, a 57-year-old Congressman serving his third term, assumed the chairmanship. Mr. Green had been the Congressman's legislative assistant until he quit to become a real estate lobbyist. Mr. Fitzgerald came directly from Mr. Albosta's personal staff, while Miss Lowenthal came from a job with Senator Lowell P. Weicker Jr., Republican of Connecticut.

The panel, formerly called the Subcommittee on Manpower and Ethics, has jurisdiction over ethical questions involving Federal employees, including those at the White House.

Panel, White House at Odds on '80 Papers

By Howard Kurtz

Washington Post Staff Writer

A House subcommittee yesterday remained at odds with the White House over access to 1980 Reagan campaign documents, while a Republican member of the panel said the Democrats are pushing their investigation far beyond the subcommittee's jurisdiction.

Rep. Benjamin A. Gilman (R-N.Y.), one of two Republicans on the six-member Post Office and Civil Service subcommittee on human resources, said at a session of the panel that the minority staff has not been kept informed of the investigation's progress.

Gilman said the Justice Department should handle the probe of how Ronald Reagan's 1980 presidential campaign obtained documents and information from the Carter White House, and that the subcommittee should limit its inquiry to possible changes in federal ethics laws.

"There is a serious question of the authority of our subcommittee in this matter," Gilman told subcommittee Chairman Donald J. Albosta (D-Mich.). "We do not have prosecutorial authority under the Ethics in Government Act If there is any evidence of violation, those matters properly rest within the jurisdiction of the Justice Department."

"This has been a partisan effort," Gilman said in an interview. "I don't think it warrants the kind of fishing expedition that the chairman is engaging in." He said he hoped Albosta now would consult fully with the Republican subcommittee members.

Gilman's criticism suggested that Albosta may have less than full bipartisan support for his investigation into the 1980 Carter documents, an inquiry that House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) initially said was not needed.

Albosta's subcommittee normally would not handle such a major investigation, but the farmer from St. Charles, Mich., has said he has clear jurisdiction

to look into the matter as a federal ethics issue and that he will refer any evidence of criminal wrongdoing to the Justice Department.

Despite Gilman's criticism, the panel yesterday informally approved guidelines for the investigation, drawn up by Albosta's staff, that spell out the subcommittee's jurisdiction.

A spokesman for Albosta who declined to be identified said the Republican subcommittee staff workers were kept apprised of the probe at three meetings last

week and had been invited to sit in on interviews of former Carter and Reagan campaign officials.

"Gilman seems to want to limit this to the point where it's not an investigation but simply a legislative hearing," the spokesman said.

"I don't know what his problem is. We've got to look at the facts" surrounding the Carter documents "to determine what the ethical considerations are."

The spokesman acknowledged that other members of the subcommittee have had to follow the probe by reading Albosta's interviews in the press, but he said this was because events were moving so quickly and members of Congress were out of town for the July 4 recess.

The subcommittee now is working with James Hamilton, who was assistant chief counsel to the Senate Watergate committee. One of Hamilton's first acts was to call White House counsel Fred F. Fielding to try to resolve a dispute over the subcommittee's access to Reagan campaign documents stored at the Hoover Institution at Stanford University.

Hoover's acting archivist, Charles Palm, said he met yesterday with FBI agent Keith Berry to discuss the Justice Department's plans to examine the Reagan campaign files.

Palm said the FBI was considering bringing in a team of agents to peruse the

550 linear feet of campaign material, but that there was no discussion of providing similar access for Albosta's investigators.

"Mr. Albosta doesn't want to get things secondhand," the congressman's spokesman said. "He's still concerned that we won't have firsthand access to the files. We're waiting for a compromise position" from the White House.

The spokesman said that, contrary to suggestions by some administration officials, Albosta has no desire to look at Reagan contribution lists or other proprietary information. A spokesman for the Justice Department, which discussed the matter with Albosta yesterday, said he expects a compromise.

Senate Majority Leader Howard H. Baker Jr. (R-Tenn.), talking with reporters outside the White House, cautioned that Albosta's inquiry should not become "a non-focused fishing expedition."

"We're not going to turn this into a total examination of every document of every campaign," Baker said. "If that's the case, then somebody ought to take a look maybe at the Carter papers at the same time"

"There ought to be a specific inquiry on the briefing book episode," Baker said. "... This should not be a license to get into every file of every presidential candidate"

Reagan Offer on Papers Is Made But Rejected in Campaign Inquiry

By MARTIN TOLCHIN

Special to The New York Times

WASHINGTON, July 20 — White House officials today made a formal proposal to a House subcommittee investigating the conduct of the 1980 Presidential campaign that wants access to President Reagan's campaign materials.

However, the offer, which was not made public, was rejected by Representative Donald J. Albosta, Democrat of Michigan, the chairman of the Post Office and Civil Service Committee's Human Resources Subcommittee.

Mr. Albosta seeks more unrestricted access to the documents than the White House wants to provide. The White House wants to give the subcommittee limited access, for fear that committee aides will stumble upon important documents not related to the investigation, according to the subcommittee's staff. The documents are housed in the Hoover Institution of War, Revolution and Peace at Stanford University.

Mr. Albosta sought to make changes in the proposal and hoped they would prove acceptable to the White House.

He Might Go to President

"The next approach is that I'm going to go directly to Meese and the President," said Mr. Albosta, referring to Edwin Meese 3d, counselor to the President, and Mr. Reagan.

If this approach fails, the chairman said he would consider seeking subpoena power from Representative William D. Ford, another Michigan Democrat who is chairman of the full committee. Mr. Ford, who has strongly supported Mr. Albosta and the investigation, has said he would grant the subpoena power "if warranted."

The subcommittee is trying to find

out how briefing materials prepared for President Carter's re-election campaign found their way to Ronald Reagan's campaign staff and were used to prepare Mr. Reagan for the campaign debate with Mr. Carter.

The White House offer to the subcommittee by Fred F. Fielding, the President's counsel, came after a week of negotiations to establish ground rules on access to the documents. It was delivered to the Washington law office of James Hamilton, who on Tuesday was appointed special counsel to the subcommittee. Mr. Hamilton then took the document to Mr. Albosta's office and was joined by committee aides to assess the proposal.

Discussion of Limited Access

"It was Meese's position that they limit our access," Mr. Albosta said. "I have no problem if they limit it to documents involving those people we have allegations against."

"I think they understand that we're getting impatient," Mr. Albosta continued. "We'd rather go through the negotiation process than ram through a subpoena."

The chairman added, however, that he had been encouraged by Representative Jim Wright, Democrat of Texas, the House majority leader, and other House Democratic leaders to "exercise my full legislative powers."

Mr. Albosta and his aides voiced hope they could conclude an agreement on access on Thursday.

The seriousness of the House investigation was underscored by the appointment Tuesday of Mr. Hamilton, who was assistant chief counsel to the Senate Watergate committee.

Two work to unlock Debategate

The U.S. House Post Office and Civil Service subcommittee on human resources is running the biggest little investigation in Washington.

Biggest because the subcommittee's probe of the "Debategate" controversy is the subject of intense interest among dozens of reporters and much of official Washington.

Little because the subcommittee, unlike some of the more celebrated congressional inquiries of the past, is running its probe with just two investigators.

Both of them — subcommittee staff director Micah Green, 25, and subcommittee counsel John M. Fitzgerald, 31 — have been working nearly 16 hours a day for the past two weeks. They spend their time answering questions from reporters in between interviews with potential sources.

Their job is to find out whether Ronald Reagan's campaign staff used questionable means to get information from opponent Jimmy Carter in 1980.



By Mark Angeles, USA TODAY

John Fitzgerald, left, and Micah Green are investigating how Reagan's campaign staff obtained Carter briefing materials.

The subcommittee, headed by Rep. Donald Albosta, D-Mich., hopes to bring in additional investigative help this week.

While a separate investigation by the Justice Department looks into possible law-breaking, Green noted: "The scope of our investigation is whether or not an ethical standard might have been violated."

The subcommittee's jurisdiction includes government ethics laws.

Both Fitzgerald and Green are registered Democrats.

They say their investigation has gotten a boost from the independent probings of the press.

"The press has done an outstanding job of following up on leads, and that has helped us," said Fitzgerald. "In some respects, we were ahead of the press, and in some they were ahead of us."

Legal fog envelops case of Carter debate papers

By Michael Coakley

Chicago Tribune

WASHINGTON—As FBI agents fan out in a sweeping investigation of "Debategate," Justice Department officials must prepare to weigh the collected evidence against murky issues of law in determining whether crimes were committed when President Reagan's aides accepted and used confidential materials from the Carter camp in the 1980 campaign.

Reaching such a judgment is apt to prove difficult in a case where the facts are in dispute, where statutes that might be applicable are vague and where there are no close precedents for guidance.

Beyond these hurdles, there is the problem of conducting an inquiry in a highly charged political atmosphere when there is no consensus on the limits of acceptable campaign behavior.

Although the FBI investigation and a parallel Capitol Hill investigation are still in their preliminary stages, a number of legal experts already are arguing that the dynamics of the issue are likely to lead to the appointment of a special prosecutor.

These authorities believe that even if the evidence proves to be flimsy, no one in the Justice Department would be able to decide not to proceed with prosecutions without being accused of whitewashing the matter to benefit the Reagan administration.

"IT LOOKS LIKE there are going to be some tough calls to be made before this is over," said Philip Heymann, a Harvard law professor who headed the Justice Department's criminal division during the Carter administration. "Those calls could be made a lot easier by a special prosecutor."

One central legal question is whether stealing secret information from the government—if indeed it was—stolen for use in a campaign violates a 19th-Century statute that makes it a crime to steal government property, including records, or to receive such stolen property.

White House chief of staff James Baker and Budget Director David Stockman have admitted that they accepted a copy of a briefing book that had been assembled in the White House for use by President Jimmy Carter in preparing for his nationally televised debate with Reagan.

News analysis

Among the questions that would need to be resolved to determine whether this acceptance violates the theft statute are:

- Was the material obtained by the Reagan campaign actually "government property?" The debate book might not fall into that category because its sole purpose was to assist the Carter campaign. But other Carter documents that made their way to the Reagan campaign, especially a series of memos from one White House official to another, could more easily be seen as belonging to the government.

- Did whoever accepted the material in the Reagan campaign believe the documents were stolen? As in any stolen-goods case, it would be necessary to prove the recipient knew the material had been obtained through theft and not, for example, through the search of a corner trash bin.

- Did the Reagan staff solicit these papers from someone on the Carter side or were they, as the White House insists, simply handed to them? If there were offers of money or a future government job involved, it is fairly clear that this would constitute a serious violation of the government theft statute, among others. But if the documents came in over the transom, the question of culpability becomes much less clear.

"YOU COULD ARGUE that it is no different for a campaign aide to accept unsolicited material from the opposition camp than it would be for a journalist to accept leaked material from that same source," said Philip Locavara, a Washington attorney who served as a prosecutor and investigator in the Watergate and Koreagate scandals.

With so many legal questions to sort out and with the political stakes high in this pre-election year, Atty. Gen. William French Smith finds himself in a dilemma.

The simplest solution might well be the appointment of a special prosecutor. The problem, from the administration's viewpoint, is that such a step would by itself dramatically escalate a fledgling scandal.

THE WHITE HOUSE

WASHINGTON

July 20, 1983

Dear Jim:

When you called me on July 12 on behalf of Mr. Albosta, I agreed to work with you to see if we could facilitate an agreement between the Subcommittee on Human Resources and the Trustees of the Reagan-Bush campaign materials located at the Hoover Institution as to the Subcommittee's desired access to certain of those campaign materials in conjunction with its present inquiry.

As the President has stated, it is his desire to get to the bottom of allegations about the possible unauthorized transfers of Carter White House or campaign materials to members of his campaign. To that end he directed the Department of Justice to investigate these charges thoroughly. He directed all members of the White House Staff and members of his former campaign staff to cooperate fully with the investigation of these charges and to provide any relevant information and materials directly to the Department of Justice. He further directed that the Hoover Institution (Hoover) send the results of its file search directly to the Department of Justice, and the FBI has also undertaken a search of those files.

In response to Mr. Albosta's request for materials supplied to the White House from Hoover, on July 11 the President directed the Department of Justice to meet with Mr. Albosta to work out procedures to provide him and the Subcommittee with access to any materials that relate to these charges, whether located at Hoover or elsewhere. It is my understanding that pursuant to the President's direction the Deputy Attorney General contacted Mr. Albosta that date, but was advised that Mr. Albosta did not desire such a meeting until the matter of the Subcommittee's direct access to Hoover was resolved. To my knowledge, neither Mr. Albosta nor any representative of the Committee has yet agreed to meet with the Department of Justice to work out procedures for access to materials.

In addition to our offer to make the materials resulting from the FBI investigation available to the Subcommittee, you and I have discussed several other options for providing direct access. I think we have also worked out a set of procedures for implementing such access that may be satisfactory to both parties.

As I understand it, the Subcommittee says it wants to have direct access to all records of the Reagan-Bush campaign, in order to look for information relating to possible

improper or unethical transfers of federal information from the Carter Administration to the Reagan-Bush campaign. It also wants to search the Hoover files for any records that may show an intelligence operation of any type devised to provide federal property or information to the Reagan-Bush campaign.

We have offered to provide you complete access to the product of the FBI file search, as noted above. The Trustees have also offered to respond favorably to a request for specific materials and information on specific subjects related to the Subcommittee's investigation. Since these offers are apparently not acceptable, the conclusion reached by the Trustees is that what is desired is Subcommittee access to all files of the Reagan-Bush campaign at Hoover, including files that are beyond the scope of the Subcommittee's professed interest. The Trustees feel that such access would go far beyond that needed to provide all relevant information. As such, the Subcommittee's request is unprecedented. Nonetheless, the Trustees have said they would agree to such a review, but only if -- in fairness -- the Subcommittee would agree to conduct such a review of the Carter White House and campaign files. However, I understand that at this point Mr. Albosta will not agree to make a commitment to the Subcommittee's review of any Carter files.

Please understand, as we have discussed previously, the Trustees do not mean to dictate any limitations to the powers of the Subcommittee. What has been discussed is only a possible resolution to the Subcommittee's request. Nor is this an attempt to limit the Subcommittee's access to materials and information it may deem relevant to its jurisdiction. Such information and materials have been offered. But if the request is for a wholesale review of a campaign's files, it should not be limited to only one contestant's. Indeed, given that the Subcommittee's principal stated interest is in the conduct of government officials, it seems not only fair but logical that the files of the Carter Administration be subject to whatever broad review is intended for the Reagan campaign.

It appears that the parties have reached an impasse on this point. If I can respectfully make a suggestion on behalf of the President and the Trustees:

A file search of the Hoover files such as the Subcommittee proposes will in fact expend a great deal of Subcommittee investigators' time and public funds. It will cover the same materials already being reviewed by a large number of FBI investigators. This FBI investigation, I am advised, is already well underway. The product of this FBI search


can be made available to the Subcommittee. The Subcommittee can review the results of this extensive investigation already underway. It can discuss the organization of the Hoover files with the FBI and the Hoover Archivist. If at the conclusion of this review, the Subcommittee concludes it still needs additional information or materials on specific subjects, individuals, or files, the Trustees can respond to such requests. It is our conviction that at that point the Subcommittee will find it has already received the information and materials it needs to satisfy its mandates. If the Subcommittee still perceives a need to have direct access to review all files at Hoover relating to the Reagan-Bush campaign, we can renew our discussions on that subject at that time.

This suggestion is offered in the hopes that the allegations of misconduct can be resolved in the most expeditious manner possible. Thus, its careful consideration by the Subcommittee is earnestly urged. I am concerned that while you and I are discussing terms of possible direct access to all files at Hoover, the Subcommittee may be losing valuable time by its failing to accept promptly opportunity to review such materials as may have been found there by the FBI.

I would also renew the President's request that Mr. Albosta meet with the Department of Justice to work out procedures for providing the Subcommittee access to all the materials and information developed in the Justice Department's investigation. We are anxious that the Subcommittee have the benefit of that investigation as soon as possible. Delay in the completion of the investigations into the charges of possible misconduct does not serve any legitimate interests, especially those of the public, which deserves to know the facts of this controversy as soon as possible.

I look forward to your response.

Sincerely,



Fred F. Fielding
Counsel to the President

James Hamilton, Esquire
Ginsburg, Feldman, Weil and Bress
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

7/21 10:30

Gilman: need better communication
major man

Alb: did you talk to WH

* Gilman: I advised WH I was
raising your name last week.
That's all.

Alb: got something last afternoon
from FFF.

Gilman: WH offered to have DOT
meet w/committee, yet no such
mtg.

Alb: I talked to Deputy last
week. Deputy didn't know it
he had access to Hoover.
Then got it, + sent FBI
to Hoover.

Gilman: End of WH ltr: Pres
directed DOT to meet w/Alb.
Alb now can't meet
w/DOT. So this is it?

Alt: DOT can't grant us access.

FBI narrow view area, ours
is much broader.

Cohen: committee should meet w/ DOT

Bosco: issue is how will info
flow to Cohen: thru
DOT or independent search
by Cohen. Can't rely on
DOT

Taylor: we've not been fully
informed. Got WH response, but
never got alt request

Hamlin: telegram to House, House
to WH, FCC assumed role

* of negotiating access to records
Memo is last proposal sent
before FCC. That is what FCC
responded to.

BOSCO YATRON DASCITZ ALB GILMAN TAYLOR
PASHMAN

Taylor: what's wrong?

Humble: sent Committee in
question of relying on FBI. In
Washington, Committee did its
own investigation.

Taylor: look at both records: given +
given

no

Vibron: program is to revise statute.
do it now to search files to
revise statute?

Assume most favorable case.

alb: have to have documented cases

* alb: minority should tell us about
neg w/ W/H

Pack: look into Carter papers?

Involve FBI?

All: have talked to Carter people

Pack: look at Carter papers?

All: if allegations come in.

Pack: as negative + as pointed
to Carter?

FBI arrive to take possession
of Carter papers

Taylor: can't ignore Carter campaign.

Civil files also important

Pack: is FBI looking at Carter papers.

Examine files in like manner.

All: will interview 50 people.

Crow: also will we get list?

All: later this afternoon.

Pack: request to examine Carter
files.

They have to look at both
companies.

Intervig One by investigation

ESSAY

Briefingate, Phase II

By William Safire

WASHINGTON, Oct. 5 — Was Briefingate — the procurement of President Carter's debate briefing papers by the Reagan campaign — merely media "midsummer madness," abetted by sore-losing Carterites and a publicity-hungry Congressman? Or was it the first phase of a yearlong process destined to bedevil and besmirch the Reagan White House?

In Phase I of the investigation, some of the 40 F.B.I. agents assigned to the case have been surprised to discover what politicians know to be the dual nature of a Presidential campaign. The longtime Reaganauts, many on the campaign plane, ran one campaign, and were confident of their man's ability to debate; the new recruits from the Bush camp — James Baker, David Gergen, Stefan Halper, Frank Hodsoll — were at campaign headquarters in Arlington, Va., and worried about the approaching debate. In addition, some Reaganauts told the F.B.I., the new bunch — whose helpers included many C.I.A. types and their spouses — were eager to come up with dramatic proof of their Reagan loyalty and political usefulness.

During this initial phase, we have seen how that campaign duality manifested itself in the defense against accusations of the pilfering of Carter documents. The old Bush crowd, led by Mr. Baker, tried to place the blame on William Casey, who had been the Reaganauts' man at headquarters; the C.I.A.'s Mr. Casey has in effect branded the Baker people liars.

Behind the scenes, such finger-pointing between camps has permeated the more than 200 interviews conducted by the F.B.I. and the eight staff members of Representative Donald Albosta's committee. The F.B.I., which will supply the committee with the contents of "320's" — reports of interviews — has found no crime and has heard no confession from a "mole" in the Carter White House. Some agents are suspicious of lapses of memory among key participants and their secretaries.

But the briefing book did not come in unsolicited, or the faithless Carterite would have been identified by the recipient by now. More likely, Reagan campaigners who knew White House operations had to conspire to get the document; that is why the F.B.I. is talking to the White House Communications Agency and security personnel as well as Carter White House aides or their spouses who wound up with Reagan rewards.

On Sept. 27, Representative Albosta sent a letter to five additional cam-

paign officials saying that after a search of the Hoover Institution files, "it became evident that many officials of the Reagan campaign retained their own files." He requested access within five days to files kept at home. He plans to hold his set of hearings at the end of October, and is in a mild dispute with his chief counsel, James Hamilton, over whether top officials such as Mr. Casey, Mr. Baker and David Stockman should be interviewed before testifying.

Phase II will begin at the start of those Congressional hearings, when testimony will be taken under oath. When a witness — say, a loyal secretary who has been clamming up — is reminded that untruthfully saying "I don't remember" could lead to a perjury conviction and a year in the slammer, that witness's memory will be refreshed. Nobody in the know forgets the secret acquisition of the hottest document in the campaign.

The oath makes all the difference: suddenly, the possibility of commission of crimes is upon us. Some may blurt the whole truth; some may take the Fifth; some may lie.

The hearings of Phase II are not likely to answer with any finality the question of who asked whom to obtain the Carter papers; as a result, the committee will probably get poor reviews and be accused of partisan witch-hunting. More hearings may be set for January, but in early December Phase III will already have begun.

That is when the committee will send to the Justice Department the sworn testimony taken in public and in executive session, with the standard request to examine "apparent contradictions in testimony." Unless key Administration figures change their stories between today and oath-taking time, such conflicts are certain.

At that point, Justice may seek to evade the requirements of the Ethics in Government Act by appointing a non-independent "special counsel," but probably will not get away with it; prima facie evidence of a crime such as lying under oath triggers the appointment of a Special Prosecutor, his naming of a staff, a grand jury, and away we go to indictments in the convention summer of next year.

Sounds crazily alarmist, I know, especially when the incoming missile seems to have disappeared from the media radar screen. But the only sure way to avert such a scenario is for the perpetrator who was in the Reagan campaign and the mole who was in the Carter White House to come forward and take their licks before they take their oaths.

(26)